

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 13-07973 DMG (PJWx)

Date July 10, 2014

Title *Neurosigma, Inc. v. Antonio A.F. De Salles, et al.*

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Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

**Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY DEFENDANT
ALESSANDRA GORGULHO SHOULD NOT BE DISMISSED FROM THE
ACTION**

In the Court's March 26, 2014 order regarding Defendant's Motion to Dismiss, the Court granted Plaintiff Neurosigma's request for jurisdictional discovery and required Neurosigma to file a status report within 60 days. [Doc. # 30.]

On May 27, 2014, Neurosigma filed its first status report regarding discovery and service on Defendant Alessandra Gorgulho. [Doc. # 33.] The report indicated that it had served document requests and interrogatories on Gorgulho, and that her responses were due that day.

On June 27, 2014, Neurosigma filed a second status report. [Doc. # 35.] The report indicates that Neurosigma received Gorgulho's response to its discovery requests, but that she had objected to the requests on the basis that Neurosigma's counsel had failed to sign the requests. Neurosigma also states that, in turn, Gorgulho failed to sign her response to the discovery requests. On June 27, 2014, NeuroSigma re-served its discovery requests.

On July 1, 2014, Gorgulho filed a response to Neurosigma's second status report. [Doc. # 36.] Gorgulho argues that Neurosigma has failed to act with diligence, because it waited approximately one month after this Court's March 26, 2014 order to serve written discovery. Then, it waited nearly another month to re-serve its discovery requests.

The Court does not appreciate Gorgulho's counsel's apparent gamesmanship regarding Rule 26(g), a basic requirement of the Federal Rules of Civil Procedure. By the same token, Neurosigma has not exercised due diligence in completing the jurisdictional discovery which the Court permitted it to undertake.

If Neurosigma has not properly served Gorgulho by **August 15, 2014**, **Neurosigma is ORDERED TO SHOW CAUSE (“OSC”)** why Defendant Gorgulho should not be dismissed from this action effective August 18, 2014. Neurosigma's written response to the OSC is due by

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August 15, 2014. If by August 15, 2014, the parties have not resolved their dispute regarding whether any party failed to sign its/her discovery requests/responses, the Court will refer the matter to the Magistrate Judge for a determination as to whether sanctions should be imposed.

IT IS SO ORDERED.